

**THURSDAY, APRIL 23, 1981**  
**THIRTY-EIGHTH LEGISLATIVE DAY**

The House met at 10:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Father Richard Buchignani, St. Mary's Catholic Church, Nashville, Tennessee.

Representative Ellis led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

The Speaker announced that Representative Kelley was excused because of illness.

The Speaker announced that Representative Frensley was excused because of illness.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

168—Relative to memory, Dr. Walter L. Diveley;

169—Relative to honoring Charles Moore:

170—Relative to memory, Raymond I. "Brick" Brahams, Jr.;

172—Relative to congratulating Milan High School girls basketball team;

173—Relative to commending Philip Mattingly;

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- 175—Relative to commending members, Supervisory Training Program;
- 177—Relative to congratulating University of Tennessee Lady Volunteers;
- 179—Relative to congratulating Giles County High School girls basketball team;
- 180—Relative to congratulating Richland High School girls basketball team;
- 181—Relative to memory, Mr. J. W. Gallagher;
- 182—Relative to congratulating Miss Anita Knight;
- 183—Relative to congratulating Tennessee Temple University basketball team;
- 184—Relative to congratulating Baylor High School wrestling team;
- 191—Relative to placing certain monument, I-81 South rest area; all concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill No.

753—To amend Section 47-9-107, Code; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos. 46, 208, 442, 461 and 886; all for the signature of the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 171, 613, 625 and 982; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
*Chief Engrossing Clerk.*

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 171, 613, 625 and 982; and Senate Bills Nos. 46, 208, 442, 461 and 886.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

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186—To amend Title 49, Chapter 13, Code;

311—To amend Section 2-6-115, Code;

640—To amend Section 12-4-108, Code; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.

276—To regulate sick leave, certain state employees;

310—To amend Section 2-5-211, Code;

340—To amend Section 56-7-1003, Code;

341—To amend Medical Assistance Act of 1968;

519—To amend Section 36-507, Code;

592—To amend Section 2-5-208(2), Code;

759—To amend Section 2908, Title 67, Code;

826—To amend Title 45, Chapter 7, Code;

941—To amend Shelby County Restructure Act; all substituted for Senate Bills on same subject and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill 987; signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
*Chief Clerk.*

On motion, Senate Bills Nos. 213 and 216 were recalled from the Committee on Commerce.

**CALENDAR**

House Bill No. 626—To amend Section 45-2-709, Code.

On motion, House Bill No. 626 was made to conform with Senate Bill No. 213.

On motion, Senate Bill No. 213, on same subject, was substituted for House Bill No. 626.

Mr. Hudson moved that Senate Bill No. 213 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 827—To permit bank merger, certain circumstances.

On motion, House Bill No. 827 was made to conform with Senate Bill No. 216.

On motion, Senate Bill No. 216, on same subject, was substituted for House Bill No. 827.

Mr. Hudson moved that Senate Bill No. 216 be passed on third and final consideration.

Mr. Webb moved to amend as follows:

#### AMENDMENT NO. 1

Amend Senate Bill No. 216 by adding the following new sentence at the end of the amendatory language of Section 1:

Prior to approving a merger pursuant to this section, the appropriate regulatory officials shall determine that alternative methods of protecting the depositors and stockholders of a bank in financial difficulty are not feasible.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 216, as amended, passed its third and final consideration by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 1092—To enact the “Open-End Loan Act”.

Mr. Rhinehart moved that House Bill No. 1092 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1092 by deleting in Sections 7 and 8 all references to the term “three years” or “three (3) years” and substituting instead the term “six (6) years”.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1092, as amended, passed its third and final consideration by the following vote:

Ayes .....	90
Noes .....	1
Present and not voting .....	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Nafef, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

Representative voting no was: Buck—1.

Representatives present and not voting were: DeBerry, Dills, Kernell and Spence—4.

A motion to reconsider was tabled.

Mr. Smith moved that House Bill No. 900 be placed on the Calendar for Thursday, April 30, 1981, which motion prevailed.

Mr. Turner moved that House Bill No. 683 be placed on the Calendar for Thursday, April 30, 1981, which motion prevailed.

House Bill No. 344—To provide reimbursement for transportation expenses, certain patients.

Mr. Wix moved that House Bill No. 344 be passed on third and final consideration.

Mr. Wix moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 344 by deleting the second sentence of the amendatory language of Section 2 in its entirety and substituting instead the following:

The Department of Mental Health shall pay such expenses upon submission of an itemized expense report by the sheriff; provided, however such department shall not expend more than forty-five thousand dollars (\$45,000) annually state wide for the reimbursement of such expenses.

AND FURTHER AMEND BY deleting the amendatory language of Section 1 and substituting instead the following:

“except to the extent provided in subsection (c) of this section,”

On motion, the amendment was adopted.

Mr. Stallings moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 344 by adding the following as a new section to be appropriately numbered immediately preceding the effective date section, renumbering the effective date section accordingly:

SECTION —. Tennessee Code Annotated, Section 8-26-108, is further amended by adding the following as a new subsection to be designated as subsection (d):

(d) The court of general sessions in any county having a population of not less than twenty-two thousand four hundred (22,400) nor more than twenty-two thousand five hundred (22,500) according to the 1970 federal census of population or any subsequent federal census in which a regional mental health facility or treatment resource is located shall be reimbursed for court costs where the jurisdiction of such court is invoked pursuant to the provisions of Tennessee Code Annotated, Section 33-603. Such court costs shall be paid by the department of mental health and mental retardation upon submission of an itemized statement by such court.

On motion, the amendment was adopted.

Thereupon, House Bill No. 344, as amended, passed its third and final consideration by the following vote:

Ayes .....	65
Noes .....	31
Present and not voting .....	1

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Hillis, Hurley, Jared, Johnson, Jones, Kernell, King (Shelby), King (Washington), Love, Lowe, McKinney, McNally, Miller, Moore, Murphy (Shelby), Murray, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Small, Spence, Stallings, Starnes, Sterling, Turner, Ussery, Wheeler, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—65.

Representatives voting no were: Baker, Bell (Knox), Bewley, Bragg, Carter, Duer, Ford, Harrill, Henry (Blount), Henry (Roane), Hudson, Huskey, Kent, Lashlee, McAfee,

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Martin, Montgomery, Murphy (Davidson), Naifeh, Percy, Robertson, Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Tanner, Wallace, Webb, Whitson and Wood—31.

Representative present and not voting was: Richardson—1.

A motion to reconsider was tabled.

House Bill No. 170—To amend Title 9, Chapter 8, Code.

Mr. Smith moved that House Bill No. 170 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	8

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter—86.

Representatives voting no were: Carter, Cobb, Duer, Henry (Roane), Kent, Sterling, Ussery and Wood—8.

A motion to reconsider was tabled.

House Bill No. 1008—To define "handicapped child".

On motion, House Bill No. 1008 was made to conform with Senate Bill No. 1144.

On motion, Senate Bill No. 1144, on same subject, was substituted for House Bill No. 1008.

Mr. Henry (Roane) moved that Senate Bill No. 1144 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	83
Noes .....	13
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—83.

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Representatives voting no were: Brewer, DeBerry, Gaia, Gill, Kent, Kernell, Lowe, McNally, Martin, Murphy (Davidson), Spence, Webb and Withers—13.

Representative present and not voting was: Cobb—1.

A motion to reconsider was tabled.

Senate Joint Resolution No. 61—Relative to establishing office of minority affairs, General Assembly.

Mr. King (Shelby) moved that Senate Joint Resolution No. 61 be adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Joint Resolution No. 61 by inserting the following sentence in the resolving clause after the first sentence to read as follows:

“Amounts presently being expended and/or budgeted by the General Assembly (House of Representatives) for activities relating to minority affairs shall be used to fund the Office of Minority Affairs of the General Assembly.”

On motion, the amendment was adopted.

Thereupon, Senate Joint Resolution No. 61, as amended, was concurred in by the following vote:

Ayes .....	85
Noes .....	5
Present and not voting .....	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Severance, Shockley, Spence, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—85.

Representatives voting no were: Bewley, Harrill, Robinson (Washington), Scruggs and Smith—5.

Representatives present and not voting were: Moore and Sterling—2.

A motion to reconsider was tabled.

Mr. Speaker pro tem Brewer relinquished the Chair to Mr. Martin, Speaker pro tem.

House Bill No. 666—To make certain provisions, Board of Building Code Appeals.

On motion, House Bill No. 666 was made to conform with Senate Bill No. 657.

On motion, Senate Bill No. 657, on same subject, was substituted for House Bill No. 666.



Mr. Chiles moved that Senate Bill No. 657 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

House Bill No. 1197—To provide local funding, public school transportation.

On motion, House Bill No. 1197 was made to conform with Senate Bill No. 1023.

On motion, Senate Bill No. 1023, on same subject, was substituted for House Bill No. 1197.

Mr. Davis (Gibson) moved that Senate Bill No. 1023 be passed on third and final consideration.

Mr. Lashlee moved to amend as follows:

#### AMENDMENT NO. 1

Amend Senate Bill No. 1023 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-614, paragraph (a), is amended by deleting the words, "which was a nonequalizing county in 1955-56 and" in the second sentence thereof and substituting instead the words, "in which only one (1) pupil transportation system is operated and".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1023, as amended, passed its third and final consideration by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby),

Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Bill No. 815—To enact Time-Share Act.

Mr. Huskey moved that House Bill No. 815 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 815 is amended by adding a new subsection to section 24:

(3) not withstanding the foregoing, the fees charged and collected shall be sufficient to cover the cost of administering this act.

On motion, the amendment was adopted.

Thereupon, House Bill No. 815, as amended, passed its third and final consideration by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

Senate Bill No. 205—To transfer certain records, General Services.

Mr. Scruggs moved that Senate Bill No. 205 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy,

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Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives voting no were: DeBerry, McKinney and Spence—3.

A motion to reconsider was tabled.

Mr. Stafford moved that House Bill No. 1062 be placed on the Calendar for Monday, April 27, 1981, which motion prevailed.

House Bill No. 756—To amend Section 3002, Title 67, Code.

On motion, House Bill No. 756 was made to conform with Senate Bill No. 572.

On motion, Senate Bill No. 572, on same subject, was substituted for House Bill No. 756.

Mr. Bragg moved that Senate Bill No. 572 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—93.

Representative present and not voting was: Spence—1.

A motion to reconsider was tabled.

House Bill No. 1093—To reform laws relating to state purchasing.

On motion, House Bill No. 1093 was made to conform with Senate Bill No. 567.

On motion, Senate Bill No. 567, on same subject, was substituted for House Bill No. 1093.

Mr. Bragg moved that Senate Bill No. 567 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

### AMENDMENT NO. 1

Amend Senate Bill No. 567 by deleting in its entirety the amendatory language of

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Section 16 and substituting the language “(14) Resolving controversies concerning protests of qualification of bidders, suspension from bidding, and invitation to bid, and stay of award prior to actual award.”

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 567, as amended, passed its third and final consideration by the following vote:

Ayes .....	96
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

Representative present and not voting was: Spence—1.

A motion to reconsider was tabled.

House Bill No. 762—To amend Section 2908, Title 67, Code.

On motion, House Bill No. 762 was made to conform with Senate Bill No. 575.

On motion, Senate Bill No. 575, on same subject, was substituted for House Bill No. 762.

Mr. Bragg moved that Senate Bill No. 575 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representative present and not voting was: Spence—1.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF SENATE BILL NO. 95**

Senate Bill No. 95—To amend Section 5-8-102, Code.

Mr. Bragg moved that Senate Bill No. 95 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 5**

Amend Senate Bill No. 95 by deleting the amendatory section immediately preceding the effective date section which was inserted by House amendment No. 1 in its entirety and by substituting instead the following:

Section—. Tennessee Code Annotated, Section 5-8-102 is further amended by deleting the first and second sentence of subsection (c) in their entirety and by substituting instead the following:

Any such motor vehicle privilege tax levied, increased, decreased or abolished pursuant to this section shall be levied, increased, decreased or abolished by resolution of the county legislative body approved by a two-thirds (2/3) vote of such body at two (2) consecutive, regular meetings of the county legislative body. Such resolution may by its terms require an election to approve or reject its provisions by the voters of the county. Within thirty (30) days of final passage of such resolution, a petition may be filed to require an election to approve or reject such resolution by ten percent (10%) of the registered voters of the county with the county clerk. If such petition is timely filed, the county legislative body shall direct the county election commission to call such election to be held in a regular election or in a special election for the purpose of approving or rejecting such resolution.

Mr. Bragg moved that Senate Bill No. 95 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 279—To provide specific fees, Court Clerk

Mr. Davis (Hamilton) moved that House Bill No. 279 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 279 by deleting the figure "\$5.00" and substituting instead the figure "\$4.00" in subsection (a)(I)(1)(b) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure "\$5.00" and substituting instead the figure "\$3.00" in subsection (a)(I)(1)(e) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure "\$3.00" and substituting instead the figure "\$2.00" in subsection (a)(I)(1)(g) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure "\$6.00" and substituting instead the figure "\$5.00" in subsection (a)(III)(3) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure "\$6.00" and substituting instead the figure "\$5.00" in subsection (a)(III)(5) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure “6.00” and substituting instead the figure “5.00” in subsection (a)(III)(5) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure “2.00” and substituting instead the figure “1.50” in subsection (a)(IV)(3) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure “4.00” and substituting instead the figure “3.00” in subsection (a)(IV)(4) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure “4.00” and substituting instead the figure “3.00” in subsection (a)(IV)(5) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure “4.00” and substituting instead the figure “3.00” in subsection (a)(IV)(6) of the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure “2.00” and substituting instead the figure “1.50” in subsection (a)(IV)(7) in the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure “\$25.00” and substituting instead the figure “20.00” in subsection (a)(VII)(1) in the amendatory language of Section 1.

AND FURTHER AMEND by deleting the figure “3.00” and substituting instead the figure “2.00” in subsection (a)(VII)(2) in the amendatory language of Section 1.

On motion, the amendment was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

## AMENDMENT NO. 2

Amend House Bill No. 279 by adding the following new subsection to the amendatory language of Section 1:

( ) No clerk shall be permitted to collect any fee authorized by this section who does not permit any person the opportunity to institute a cause of action by means of a pauper’s oath. In determining whether a person is entitled to institute an action by pauper’s oath, such person’s ownership of real or personal property shall not be a determinative factor in denying such oath.

Mr. Davis (Hamilton) moved that House Bill No. 279 be re-referred to the Committee on Finance, Ways and Means, which motion prevailed.

House Bill No. 768—To regulate excise tax credits, corporate earnings.

On motion, House Bill No. 768 was made to conform with Senate Bill No. 574.

On motion, Senate Bill No. 574, on same subject, was substituted for House Bill No. 768.

Mr. Bragg moved that Senate Bill No. 574 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis

(Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representatives present and not voting were: Spence and Withers—2.

A motion to reconsider was tabled.

House Bill No. 501—To appropriate funds, study, sickle cell anemia.

Mr. Robinson (Hamilton) moved that House Bill No. 501 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 501 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

The Department of Public Health shall negotiate a contract with Meharry Medical College for study, research, and treatment of drepanocytomia (sickle cell anemia) on such terms and conditions as may be mutually agreeable; provided, however, the provision of this act shall not take effect unless funds are appropriated in the general appropriations act to effectuate the purposes of this act. Any unexpanded funds from any such appropriation under such contract at the end of such fiscal year shall carry over and be available for use during the fiscal year July 1, 1982-June 30, 1983.

On motion, the amendment was adopted.

Thereupon, House Bill No. 501, as amended, passed its third and final consideration by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 502—To provide certain training program, Meharry Medical College.

Mr. Robinson (Hamilton) moved that House Bill No. 502 be passed on third and final consideration.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 502 by deleting the words "There is appropriated" in Section 1 and by substituting instead the words, "Subject to the provisions of Section 2 of this act and the general appropriations bill, there is appropriated".

AND FURTHER AMEND by redesignating Section 2 to be Section 3 and by adding a new Section 2, as follows:

This act does not constitute an appropriation of funds. No funds shall be expended under the provisions of this act unless such funds are specifically appropriated in the General Appropriations Bill pursuant to Tennessee Code Annotated, Title 9, Chapter 6, Part 1, or a specific amendment or supplement thereto.

On motion, the amendment was adopted.

Thereupon, House Bill No. 502, as amended, passed its third and final consideration by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Har-rill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

Mr. Rhinehart moved that House Bill No. 573 be placed on the Calendar for Monday, April 27, 1981, which motion prevailed.

House Bill No. 406—To provide for temporary employment, certain retired employees.

On motion, House Bill No. 406 was made to conform with Senate Bill No. 761.

On motion, Senate Bill No. 761, on same subject, was substituted for House Bill No. 406.

Mr. Davis (Gibson) moved that Senate Bill No. 761 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley,



Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

Senate Bill No. 598—To amend Sections 53-5503 and 53-5506, Code.

Mr. Cobb moved that Senate Bill No. 598 be passed on third and final consideration.

Mr. Kent moved to amend as follows:

### AMENDMENT NO. 1

Amend Senate Bill No. 598 by inserting the following as a new section immediately after Section 1, to be designated as Section 2, and renumbering subsequent sections accordingly:

**SECTION 2.** Tennessee Code Annotated, Section 53-5503, is further amended by deleting the words “who occupies same” from the first sentence of the section, and substituting instead the words “and the building inspector or the public health department”.

Section 53-5503 is further amended by inserting the following sentence between the first and second sentences of the section:

Such building inspector or representative of the public health department shall inspect the building facility no later than ten (10) days after the filing of such complaint.

Section 53-5503 is further amended by adding the following sentence at the end of the section:

It shall be a condition of this section that no rent shall be paid to anyone except the landlord until the building inspector or a representative of the public health department agrees in writing with the tenant that the premises are unfit for habitation.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 598, as amended, passed its third and final consideration by the following vote:

Ayes .....	89
Noes .....	3
Present and not voting .....	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis

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(Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

Representatives voting no were:—Dills, Phillips and Tanner—3.

Representatives present and not voting were:—Johnson, Moore and Naifeh—3.

A motion to reconsider was tabled.

### ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 182; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

### SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 182.

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 182; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

### REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 987; and House Joint Resolution No. 182; for his action.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 77, 138, 244, 428, 512, 555, 604, 632, 680, 883, 1103, 1172, 1249, 1264 and 1266; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 77, 138, 244, 428, 512, 555, 604, 632, 680, 883, 1103, 1172, 1249, 1264 and 1266; for his action.

MARILYN EVELYN HAND,  
*Chief Engrossing Clerk.*

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 210, 301, 505, 604 and 929; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 210, 301, 505, 604 and 929.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

248—To regulate occupation of cosmetology;

351—To amend Sections 2-9-101 and 2-9-112, Code;

429—To regulate casting votes, certain members, county legislative body;

718—To amend Section 56-7-105, Code;

772—To amend Title 45, Chapter 2, Code;

842—To amend Title 7, Chapter 82, Code;

1274—To regulate eligibility criteria, Medical Assistance Program;

1297—To amend Shelby County Restructure Act;

1298—To amend Shelby County Restructure Act;

1300—To amend Shelby County Restructure Act; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
*Chief Clerk.*

Mr. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 42 out of order, which motion prevailed.

House Resolution No. 42—Relative to honoring Mt. Nebo Baptist Church—By Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Love moved that the rules be suspended for the purpose of introducing House Resolution No. 43 out of order, which motion prevailed.

House Resolution No. 43—Relative to honoring Mrs. Eva Lowery Bowman—By Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Speaker pro tem Brewer resumed the Chair.

At the direction of Mr. Speaker McWherter, the Clerk requested the return of House Bill No. 663 from the Governor's Office.

### INTRODUCTION OF BILL

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Bill No. 1315 out of order, which motion prevailed.

House Bill No. 1315—To repeal Sections 13-16-101 through 13-16-117, Code—By Naifeh and Bragg.

Passed first consideration.

### HOUSE JOINT RESOLUTION ON SENATE AMENDMENTS

House Joint Resolution No. 110—Relative to directing investigation, SCA Services, Incorporated.

#### SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 110 by inserting the following language in the first resolving clause between the words "investigation" and "investigate":

, in cooperation with the appropriate district attorney general,

#### SENATE AMENDMENT NO. 2

Amend House Joint Resolution No. 110 by deleting the second resolving clause in its entirety.

Mr. Moore moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Fickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson

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(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

### HOUSE BILL ON SENATE AMENDMENT

House Bill No. 146—To increase expense allowance, General Assembly.

#### SENATE AMENDMENT NO. 11

Amend House Bill No. 146 by deleting the language of Section 4 in its entirety and by substituting instead the following:

SECTION 4 - Section 1 of this Act shall take effect upon becoming a law, the public welfare requiring. Sections 2 and 3 of this Act shall take effect on November 2, 1982, in compliance with Article 2, Section 23 of the Tennessee Constitution.

Mr. Rhinehart moved that the House concur in Senate Amendment No. 11, which motion failed by the following vote:

Ayes .....	45
Noes .....	44
Present and not voting .....	4

Representatives voting aye were: Bell (Knox), Bewley, Bivens, Carter, Cobb, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Ellis, Harrill, Hillis, Hurley, Jared, Johnson, Jones, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Spence, Stallings, Starnes, Ussery, Wheeler, Whitson Withers, Work and Yelton—45.

Representative voting no were: Akard, Baker, Bell (Wilson), Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Crain, Davidson, Davis (Pickett), Dills, Dissspayne, Duer, Ford, Gaia, Gill, Henry (Roane), Hudson, Huskey, Kent, McAfee, McNally, Martin, Montgomery, Moore, Naifeh, Percy, Phillips, Severance, Shirley, Small, Smith, Sterling, Tanner, Turner, Wallace, Webb, Wix, Wolfe and Wood—44.

Representatives present and not voting were: Covington, Duncan, Owen and Stafford—4.

### HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 243—To enact the teacher's sick leave bank act.

#### SENATE AMENDMENT NO. 1

Amend House Bill No. 243 by deleting from the second sentence of Section II the word "filled" and substituting instead the word "filed."

#### SENATE AMENDMENT NO. 3

Amend House Bill No. 243 by deleting Section 4 in its entirety and substituting in lieu thereof a new Section 4, which shall read as follows:

SECTION 4. Trustees. When permission to establish a sick leave bank in a local school system has been granted, the sick leave bank trustees shall be established as follows:

Not later than thirty (30) days following the Commissioner's authorization, the board of education and the employee organization shall each appoint from their membership two (2) persons to serve as trustees. The fifth trustee shall be the superintendent of schools who shall serve as chairperson. In the event any member is unable to be present at any meeting of the sick leave bank trustees, said member may appoint a representative to serve during a particular meeting if authorization is given in writing by the absent trustee. In the event the professional employees are recognized for the purpose of negotiating, such recognized professional employees' organization shall appoint two (2) persons to serve. In the event there is no recognized professional employees' organization for the purpose of negotiating and/or such previously recognized organization subsequently loses recognition, the organization which documents the largest number of paid professional employees as members on June 30 past shall be the organization to initially appoint or subsequently reappoint or replace the trustees at the end of a term. All appointments shall be for three year staggered terms and can be replaced only because of death, retirement, resignation, and/or discontinuation of employment with said board of education or at the expiration of a term.

Any vacancy shall be filled for the remainder of the term by the appointing authority in the same manner as the original appointments were made. Trustees are eligible to succeed themselves. The four trustees originally appointed by the board of education and the employee organization shall draw lots for two (2) positions for three (3) years, and two (2) positions for two (2) years, to become effective August 1 next; thereafter all terms begin on August 1.

Mr. Scruggs moved that the House concur in Senate Amendment No. 3.

Mr. McKinney moved that the motion be tabled, which motion failed by the following vote:

Ayes .....	14
Noes .....	64
Present and not voting .....	2

Representatives voting aye were: Crain, Davidson, DeBerry, Disspayne, Gaia, Gill, Jared, Lashlee, McKinney, Murphy (Shelby), Shirley, Spence, Stallings and Withers—14.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Davis (Gibson), Davis (Pickett), DePriest, Duer, Ford, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, King (Shelby), King (Washington), Love, Lowe, McAfee, McNally, Miller, Montgomery, Moore, Murray, Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton—64.

Representatives present and not voting were: Duncan and Stafford—2.

Mr. McKinney moved that the House stand in adjournment until 5:00 p.m. Monday, April 27, 1981, which motion failed by the following vote:

Ayes .....	39
Noes .....	45
Present and not voting .....	3

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Representatives voting aye were: Bell (Wilson), Bivens, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Pickett), DeBerry, Dills, Disspayne, Ellis, Gaia, Gill, Kent, Kernell, King (Shelby), Love, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Robinson (Hamilton), Shirley, Small, Spence, Sterling, Turner, Wheeler, Withers, Wix and Wolfe—39.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Carter, Chiles, Copeland, Davis (Gibson), Davis (Hamilton), Duer, Ford, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, King (Washington), Lashlee, Lowe, McAfee, McNally, Montgomery, Moore, Percy, Rhinehart, Richardson, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Whitson, Wood, Yelton and Mr. Speaker McWherter—45.

Representatives present and not voting were: Bragg, Duncan and Stafford—3.

Mr. Scruggs moved that action on House Bill No. 243 be deferred until, Monday, April 27, 1981, which motion prevailed.

Mr. McKinney moved that action on House Bill No. 602 be deferred until, Wednesday, April 29, 1981, which motion prevailed.

Mr. Speaker McWherter resumed the Chair.

### NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, April 27, 1981:

House Bill No. 186—Bivens

House Bill No. 311—Rhinehart

House Bill No. 601—Baker

House Bill No. 610—Smith

House Bill No. 1035—Davis (Gibson)

Senate Bill No. 310—Work

Senate Bill No. 492—Moore

### SECOND ROLL CALL

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings,

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Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

### **INTRODUCTION OF RESOLUTION**

House Joint Resolution No. 203—Relative to memory, Judge Wilfred Gillenwater—By Akard, Montgomery and Yelton.

Under the rules, House Joint Resolution No. 203 was referred to the Committee on Calendar and Rules.

### **INTRODUCTION OF BILLS**

House Bill No. 1306—To create a juvenile court for Obion County—By Tanner.

Passed first consideration.

House Bill No. 1307—To regulate requirements unit developments, Shelby County—By Gill.

Passed first consideration.

House Bill No. 1308—To provide for certain zoning districts, Memphis—By Gill.

Passed first consideration.

House Bill No. 1309—To authorize Shelby County to establish health and sanitary codes—By Gill.

Passed first consideration.

House Bill No. 1310—To amend “Shelby County Restructure Act”—By Gill.

Passed first consideration.

House Bill No. 1311—To amend Chapter 260 of Private Acts of 1974—By Gill.

Passed first consideration.

House Bill No. 1312—To amend Chapter 260 of Private Acts of 1974—By Gill.

Passed first consideration.

House Bill No. 1313—To amend “Shelby County Restructure Act”—By Gill.

Passed first consideration.

House Bill No. 1314—To amend Chapter 161 of Private Acts of 1973—By Gill.

Passed first consideration.

### **SENATE BILL ON FIRST CONSIDERATION**

Senate Bill No. 292—To amend Section 8-36-702, Code.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1298—To repeal Chapter 287, Private Acts, 1980.



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Passed second consideration and held without reference.

House Bill No. 1299—To amend Title 53, Chapter 13, Code.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1300—To amend Section 54-7-104, Code.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1301—To provide compensation Deputy Register, Scott County.

Passed second consideration and held without reference.

House Bill No. 1302—To repeal Chapter 391, Private Acts, 1939.

Passed second consideration and held without reference.

House Bill No. 1303—To regulate duties of Election Commission Scott County.

Passed second consideration and held without reference.

House Bill No. 1304—To repeal Chapter 594, Private Acts, 1951.

Passed second consideration and held without reference.

House Bill No. 1305—To regulate salaries, Mayor and Aldermen, Tiptonville.

Passed second consideration and held without reference.

### **LOCAL BILL TRANSMITTED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 1298.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 27, 1981: House Bills Nos. 56, 474, 422, 763, 962, 251, 958 and 1101.

GILL, *Chairman.*

### **SPONSORS REMOVED**

On motion of Mr. Henry (Blount) his name was removed as sponsor of House Bill No. 1120.

On motion of Mr. Huskey, his name was removed as sponsor of House Bill No. 900.

### **LOCAL BILL REFERRED**

Pursuant to Rule No. 47, the Speaker referred House Bill No. 684 to the Committee on Judiciary.

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**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bill No. 987 and House Joint Resolution No. 182 with his approval.

**JULIA GIBBONS,**  
*Counsel to the Governor.*

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 170, 344, 501, 502, 815 and 1092; and find same correctly engrossed and ready for transmission to the Senate.

**MARILYN EVELYN HAND,**  
*Chief Engrossing Clerk.*

On motion of Mr. Burnett, the House adjourned until 5:00 p.m., Monday, April 27, 1981.